

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Shyne V. Anderson,

Case No. 1:18-cv-1996

Petitioner,

v.

ORDER

Charmaine Bracy, Warden,

Respondent.

Petitioner Shyne V. Anderson requests permission to proceed with an appeal without first paying the filing fee. (Doc. No. 38). I previously dismissed Anderson's § 2254 petition and declined to issue a certificate of appealability. (Doc. No. 29). I also denied his motion for reconsideration of that dismissal. (Doc. No. 36). Anderson has appealed my dismissal of his petition as well as my denial of his motion for reconsideration. (Doc. No. 37).

Section 1915 provides "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). The standard for granting a motion to proceed in forma pauperis on appeal is lower than the standard for issuing a certificate of appealability. *See Foster v. Ludwick*, 208 F. Supp. 2d 750, 764 (E.D. Mich. 2002) (citing *United States v. Youngblood*, 116 F.3d 1113, 1115 (5th Cir. 1997)). A court may grant a motion to proceed in forma pauperis if the issues are arguable on their merits, even if the petitioner cannot show a probability of success on the merits. *Foster*, 208 F. Supp. 2d at 765.

For the reasons stated in my March 31, 2023 Memorandum Opinion and Order, I conclude the issues Anderson raises are not arguable on their merits and deny his motion to proceed in forma pauperis on appeal. (Doc. No. 38).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge